



12 APR 2006

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Alexandria, VA 22314

In re Application of	:	
BOTT et al.	:	
Serial No.: 09/762,163	:	DECISION ON RENEWED
PCT App. No.: PCT/GB99/02425	:	
Int'l Filing Date: 23 July 1999	:	PETITION UNDER
Priority Date: 04 August 1998	:	
Attorney Docket No.: 4002-006	:	37 CFR 1.137(b)
For: AUTOMATED IMMUNOASSAY	:	
APPARATUS WITH FLEXIBLE PICK-UP ARM	:	

This is a decision on applicants' Second Request for Reconsideration Pursuant to 37 CFR 1.137(b), filed on 30 September 2005 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 09 March 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that the oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the 20 or 30 month period, was required.

On 08 July 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant.

On 07 January 2005, applicants responded to the Notification of Abandonment with a petition to revive along with a 3 page executed declaration and surcharge for filing the declaration after the thirty month period. Applicant submitted a petition fee in the amount of \$665.

On 04 March 2005, a decision dismissing the petition was mailed to applicant indicating that applicant paid the incorrect petition fee. Applicant had failed to pay the appropriate petition fee of \$750 (small entity) pursuant to a change in fees effective 08 December 2004.

On 11 March 2005, applicant, by letter, submitted the additional fees required to pay the appropriate petition fee.

On 06 June 2005, a decision dismissing the petition under 37 CFR 1.137(b) was mailed to applicant indicating that declaration submitted on 07 January 2005 is unacceptable as filed. Applicant was advised that one declaration where all inventors have signed or two separate complete declarations in compliance with 37 CFR 1.497 was required.

On 12 August 2005, applicant filed a request for reconsideration along with a request for a one month extension of time. On 12 September 2005, a decision dismissing the petition was mailed indicating

that one declaration where all inventors have signed or separate complete declarations was required to meet the requirements of 37 CFR 1.497(a) and (b).

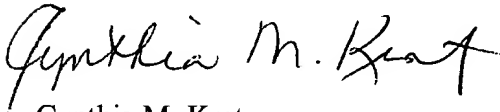
### **DISCUSSION**

The executed declaration, submitted on 30 September 2005 is comprised of three pages and is executed by all four inventors. The requirements of 37 CFR 1.497(a) and (b) have been met and the declaration is acceptable as filed.

### **CONCLUSION**

The petition under 37 CFR §1.137(b) is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **30 September 2005**.



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